

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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| JANE KIDD, ET AL., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | CIVIL ACTION FILE |
| v. | : | NO. 1:06-CV-0997-BBM |
| | : | |
| CATHY COX, Individually and in | : | |
| her Official Capacities as Secretary | : | |
| of State of Georgia and Chair of the | : | |
| Georgia Elections Board, | : | |
| | : | |
| Defendant. | : | |

ORDER

This action, which was filed April 25, 2006, challenges the constitutionality of the apportionment of a “statewide legislative body.” See 28 U.S.C. § 2284(a). Specifically, this legal action challenges the apportionment of voters in the State of Georgia Senate Districts 46, 47 and 49, which lie in and around Athens-Clarke County, Georgia.

The Complaint seeks expedited relief on behalf of plaintiff Jane Kidd (“Ms. Kidd”), among others. Ms. Kidd states that she intends to run for the Democratic Party nomination in Georgia Senate District 46 (“District 46”), if the reapportioned District 46 is declared invalid in this proceeding. Ms. Kidd asserts that she needs an emergency determination by this court so that she will know the makeup of District

46, which in turn will enable her to know whether to qualify for that election, on or before April 28, 2006. According to the Complaint, the qualifying period for candidates to seek election in Senate Districts 46, 47 and 49 began at 9:00 A.M. on April 24 and ends at noon on April 28, 2006.

This court has reviewed the claims made by the plaintiffs, and finds that they are not wholly insubstantial or obviously frivolous. Therefore, the court **cannot** conclude, pursuant to 28 U.S.C. § 2284(b)(1), “that three judges are not required.” Accordingly, plaintiffs’ Emergency Motion for a Three Judge Panel [Doc. No. 2], which seeks to have this court notify the Chief Judge of the Circuit of their request for a three judge panel, is GRANTED.

IT IS SO ORDERED, this 26th day of April, 2006.

s/Beverly B. Martin
BEVERLY B. MARTIN
UNITED STATES DISTRICT JUDGE